

REMARKS

Claims 1-4, 9-18 and 20-40 are pending in the application. Claims 5-8, and claim 40 have been canceled, without prejudice. These claims have been canceled to expedite prosecution of the present application. These claims are not canceled for reasons related to Patentability.

Claims Allowed

Claims 13-18, 20-26, 29, and 31 are allowed. Applicants appreciate Examiners allowance of claims 13-18, 20-26, 29, and 31.

Allowable Subject Matter

Claims 2, 4, 9-12, and 35 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims. Accordingly, claims 2, 4, 9, and 35 have been rewritten in independent form. Claims 10-12 depend from claim 9. Applicants respectfully submit that claims 2, 4, 9-12, and 35 are now in a condition for allowance. Applicants point out claim 35 as previously written is a method claim dependent on claim 28. Claim 28, however is not a method claim. Therefore, Applicants amended claim 35 to include all the limitations of the base claim 29, which claim 35 depends on. The dependency of claim 35 to claim 28 was a typographical error and has been corrected. Claim 30 and 34 also had a typographical errors, which had claim 30 and 34 dependent on claim 28. Claim 30 is a method claim and depends from the method of allowed claim 29, and claim 34 is a method claim and depends from the allowed claim 29. The typographical errors have been corrected. Thus, claims 30 and 34 are in a condition for allowance.

35 U.S.C. § 103 (a)

Claims 1, 3, 5, 8, 27, 28, 30, 32-34, and 36-40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,215,988 issued to Matero (hereinafter referred to as Matero) in view of U.S. Patent No. 6,711,150 issued to Vanghi (hereinafter referred to as Vanghi).

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach each or suggest all the claim limitations. “The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants’ disclosure”. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicant respectfully submits that Claims 1, 3, 27, 28, 32-33, and 36-39 are not rendered obvious by Matero and/or Vanghi for the reasons and explanations set out below.

With respect to independent claims 1, 27, 28, 36, 37 and 38, Matero and/or Vanghi do not teach, disclose or suggest the following elements:

“a first set of forward link channels within the plurality of transmission channels, the first set of channels being assigned to packet data transmissions and packet data being transmitted in frames;

a second set of forward link channels within the plurality of transmission channels, the second set of channels being assigned to low delay data transmissions.”

Applicants’ carefully reviewed Matero and Vanghi and could not find any teaching, disclosure, or suggestion for the limitations above. The Examiner states “Matero teaches a method and apparatus for transmitting in a wireless communication system (fig. 2), the system supporting packet data (fig. 2 box 30) and low delay data (fig.1 box 30’) on a plurality of forward link transmission channels (switch between frequency bands, col. 3 lines 40-47).” The Examiner goes on to state “the system comprises a first set of forward link channels within the plurality of transmission channels, the first set of channels being assigned to packet data transmissions and packet data being transmitted in frames (GSM, DAMPS, col. 3 lines 40-47).” The Examiner states “the system comprises a second set of forward link channels within the plurality of transmission channels, the second set of channels being assigned to low delay data transmissions (DCS1800, col. 3 lines 40-47).” Applicants’ respectfully disagree with Examiner’s characterization of the communication system disclosed in Matero. While it is true that GSM and DAMPS can transmit packet data and the packet data is transmitted in frames, GSM and DAMPS are voice systems and voice systems are low delay transmissions. Matero is directed to dual band user terminals with both bands being connected to voice networks. Matero does not distinguish between voice (low delay) transmissions and specific data services where delay in the transmission process is tolerable. Matero discloses “[b]y example BMI1 32 may be a first digital

signal or an analog system (e.g., GSM or DAMPS).” (Matero, col. 3 lines 41-43). Thus, Applicants assert that Matero and/or Vanghi, either alone or in combination, fail to teach, suggest or disclose a system supporting pure packet services while also supporting a low delay system. Matero discloses a method and apparatus for dual band mobile stations where both bands are for voice services, which are both low delay services.

In addition, with respect to independent claims 1, 28, 36, 37, and 38, Matero and/or Vanghi do not teach, disclose or suggest the following element:

“a forward link signaling channel within the plurality of transmission channels, the signaling channel being assigned to message transmissions, wherein each message corresponds to packet data and identifies a packet data target recipient.”

Nowhere in Matero and or Vanghi is this limitation taught, disclosed or suggested. In fact, the Examiner states, in the office action on page 8, paragraph 2, “nothing in the prior art of the record teaches or fairly suggests the message corresponds to a packet on one of the first set of channels.” The limitation of claim 1 above clearly states “*wherein each message corresponds to packet data and identifies a packet data target recipient.*” The Examiner also states in the office action, on page 9, paragraph 1, nothing in the prior art of the record teaches or fairly suggests the first message is associated with a specific first packet data frame.” From the Applicants’ analysis of the prior art and the Examiner’s statements, the prior art, Matero and/or Vanghi fails to teach, disclose or suggest the above limitation of claim 1. Thus, claim 1 is in a condition for allowance. In addition, claim 3 depends from independent claim 1, and it follows that claim 3 is also in a condition for allowance.

With respect to claim 27, Applicants’ amended claim 27 to include the limitation “receive messages via a signaling channel and to determine target recipient information and coding information from received messages.” Nowhere in Matero and/or Vanghi could the limitation of determine target recipient and coding informing from received messages, be found. In fact, the Examiner, on page 9, paragraph 2, states “nothing in the prior art of the record teaches or fairly suggests the first message identifies a coding scheme, in combination with the other limitations listed of the claim. (referencing claim 4, 9, and 35.) The limitation clearly states “receive messages via a signaling channel and *to determine target recipient information and coding information from received messages.*” From the Applicants analysis of the prior art and the

Examiner's statements, the prior art, Matero and/or Vanghi fails to teach, disclose or suggest the above limitation of claim 27, as amended. Thus, claim 27 is in a condition for allowance. In addition, as amended, claims 32 and 33 depend from the independent claim 27, and it follows that claims 32 and 33 are also in a condition for allowance.

With respect to claim 28, the limitation, "a receiver component for receiving message transmissions, wherein each message identifies a packet data target recipient" is not taught, suggested, or disclosed in the prior art for the reasons and analysis as discussed in reference to claim 1. Thus, claim 28 is in a condition for allowance.

With respect to claim 36, claim 36, as amended, includes the limitation, "wherein the signaling channel is assigned to message transmissions, wherein each message corresponds to packet data and identifies a packet data target recipient." This limitation is not taught, suggested, or disclosed in the prior art for the reasons and analysis as discussed in reference to claim 1. Thus, claim 36 is in a condition for allowance.

With respect to claim 37, the limitation, "a receiver component for receiving for receiving message transmissions, wherein a message corresponds to a packet transmitted on one of the first set of channels, wherein the message identifies a parameter of the packet" is not taught, suggested, or disclosed in the prior art for the reasons and analysis as discussed in reference to claim 1. Thus, claim 37 is in a condition for allowance.

With respect to claim 38, claim 38, as amended, includes the limitation, "the signaling channel being assigned to message transmissions, wherein each message corresponds to packet data and identifies a packet data target recipient." This limitation is not taught, suggested, or disclosed in the prior art for the reasons and analysis as discussed in reference to claim 1. Thus, claim 38 is in a condition for allowance. In addition, dependent claim 39 depends from independent claim 38, and it follows that claim 39 is in a condition for allowance.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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